IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 5TH OCTOBER 2007 / 13TH ASWINA 1929

WP(C).No. 27372 of 2007(H)

PETITIONER:

J.VALSALA, SANSKRIT TEAHCER,
B.E.M.U.P.SCHOOL, PARAPPERI, P.O.THRIPRANGODE,
MALAPPURAM DISTRICT.

BY ADV. SRI.V.RAJENDRAN

RESPONDENTS:

---

1. THE CORPORATE MANAGER OF ALL C.S.I.
SCHOOLS IN MALABAR AND WYNAD, BANK ROAD,
CALICUT.

2. THE HEADMASTER,
B.E.M.U.P.SCHOOL, PARAPPERI,
P.O.THRIPRANGODE, MALAPPURAM DISTRICT.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA
SRI.C.P.SIVADASAN NAIR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) No. 27372/2007

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE JUDGMENT DATED 26/03/2007 IN W.A.NO. 518/07 OF THIS COURT REPORTED IN 2007(3) KLT 129.

P2 : COPY OF THE ORDER DATED 25/08/2007 OF THE 1ST RESPONDENT.

RESPONDENT'S EXHIBITS

R1(a) : COPY OF THE PROCEEDINGS DATED 24/08/2007 OF THE BISHOP OF DIOCESE OF NORTH KERALA, CSI DIOCESAN OFFICE, SHORANUR.

R1(b) : COPY OFHTE PROCEEDING DATED 24/08/2007 OF THE DIOCESE OF NORTH KERALA, CSI DIOCESAN OFFICE, SHORANUR.

R1(c) : COPY OF THE PROCEEDING BEARING NO.CM/DS/07-08/PT-35 DATED 24/09/2007 ISSUED BY THE 1ST RESPONDENT.

R1(d) : COPY OF THE PROCEEDING BEARING NO.CM/DS/07-08/PT-35 "A" DATED 29/09/07 ISSUED BY THE 1ST RESPONDENT.

// TRUE COPY //

PA TO JUDGE.

jg

S.SIRI JAGAN, J.

WP(C) No. 27372 of 2007

Dated, this the 5th day of October, 2007

J U D G M E N T

As per Ext.P1 judgment, this Court held that the petitioner is entitled for a transfer to B.E.M.U.P. School, Trikkatteri. However, the Manager was not prepared to comply with the said judgment. Therefore, the petitioner filed C.C.C. No. 836/2007. In the meanwhile, the Manager filed a review petition against Ext.P1 judgment, which was dismissed on 17/08/2007. On 18/08/2007, the Manager submitted in the contempt of court case that orders would be issued as directed in Ext.P1 judgment. On production of Ext.P2 order, the contempt of court case was closed on 07/09/2007. By Ext.P2 order dated 25/08/2007, the petitioner was directed to be transferred to B.E.M.U.P. School, Trikkatteri. However, the petitioner was not relieved from the school where she was working. On enquiry with the Head Master, he informed the petitioner that the Manager has instructed the Head Master not to implement Ext.P2 order. It is under the above circumstances that the petitioner has filed this writ petition seeking implementation of Ext.P1 judgment.

2. In spite of all these proceedings, the Manager had the temerity to file a counter affidavit justifying his action. However, thereafter, the petitioner was transferred to another school by Ext.R1(c). It was only when this Court informed the learned counsel for the manager that this Court is inclined to direct appropriate action as warranted by law against the Manager and the Head Master. Ext.R1(d) order was passed transferring the petitioner to Trikkatteri. The petitioner has submitted that pursuant to Ext.R1(d), she has joined the said school.

3. However, in view of the harassment at the hands of the Manager, the petitioner presses for costs. I have heard both sides on the question of costs. I am of the opinion that this is a very fit case whereby an appropriate direction should be issued to the Educational Officers to take action against the Manager for disqualifying him for the post of manager. However, taking a lenient view, I refrain from directing such action. However, I am satisfied that the petitioner is entitled to cost in this writ petition. Accordingly, I direct the 1st respondent to pay an amount of Rs. 5,000/- as cost of this litigation to the petitioner, which shall be

paid within two weeks from today, failing which the petitioner shall file a petition before the Deputy Director having jurisdiction over the school, who shall consider whether in view of the recalcitrant attitude of the Manager he is liable to be proceeded against for disqualifying him from functioning as manager.

This writ petition is disposed of as above.

(S.SIRI JAGAN, JUDGE)

jg